

### **REMARKS/ARGUMENTS**

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above claim amendments and remarks that follow.

Claim 4 has been amended to incorporate the subject matter of claim 1. Claim 17 has been amended to incorporate the subject matter of claim 13. Claims 2, 5, and 6 have been amended to depend from claim 4. Claims 14, 15, and 18 have been amended to depend from claim 17. Claim 15 further has been amended to be consistent with combination of the subject matter of claims 13 and 17. Claims 1, 13, 19, 21, 23, 24, and 26-30 have been canceled without prejudice. Claims are pending.

#### Examiner Interview

Applicant appreciates the Examiner's time in participating in a telephonic interview with Applicant's representative on September 14, 2009. During said interview, the rejection of claims 19 and 28 (and their dependent claims) over U.S. Pat. App. Pub. No. 2004/0228799 was discussed. Applicant noted that the actual publication date relied upon was pre-dated by the accepted priority date of the present application. Although not alleged in the pending office action, the Examiner alleged during the interview that the priority application for the cited art supported the disclosure relied upon by the Examiner in making the obviousness rejection. Applicant was unable to respond because the priority document was not made available by the Examiner and was not publically available.

The Examiner agreed to review procedures to determine whether she could provide the Applicant with a copy of the priority document. The Examiner followed with a telephone call and an email to Applicant's representative on September 15, 2009, explaining that she could not provide a copy of the priority document and that Applicant would need to formally petition the office for a copy of the document. The Examiner provided further information on procedures for obtaining copies of unpublished, abandoned applications at the USPTO.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 4 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims now have been so amended. Since dependent claims 2, 5, and 6 have been amended to depend from claim 4, Applicant respectfully submits that dependent claims 2, 5, and 6 are allowable. Likewise, since dependent claims 14, 15, and 18 have been amended to depend from claim 17, Applicant submits that dependent claims 14, 15, and 18 are allowable.

Rejections under 35 U.S.C. §103(a)

Claims 1, 2, and 5 stand rejected as allegedly being obvious over U.S. Patent No. 6,331,116 to Kaufman et al. in view of American Hospital Formulary Service (AHFS) Drug Information 94 (pgs. 1578-1581). Claim 6 stands rejected as allegedly being obvious over Kaufman et al. in view of AHFS and Bircher et al. Claims 13-15 and 18 stand rejected as allegedly being obvious over Lauenstein et al., "MR Colonography Without Colonic Cleansing: A New Strategy to Improve Patient Acceptance", (2001), *AJR* 177: 823-827 (hereinafter referred to as "Lauenstein et al. *AJR* 177") in view of Callstrom et al., "CT Colonography without Cathartic Preparation: Feasibility Study", (2001), *Radiology*, 219:693-698 and AHFS. Claims 19, 21, 23, 24, and 28-30 stand rejected as allegedly being obvious over Lauenstein et al. in view of U.S. Pat. Pub. No. 2004/0228799 to Armstrong.

Although Applicant does not agree with the above-noted rejections, to expedite allowance of the subject matter noted by the Examiner as being allowable, Applicant has canceled several claims and amended other claims to change the dependency thereof. Such amendments are described above. Applicant respectfully submits that the claim amendments and cancellations have overcome the pending obviousness rejections and that all remaining claims are not obvious over any of the above alleged combinations of references.

Applicant respectfully submits that all claims, as now submitted, are in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due

course. If any minor formalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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